

Please note, these transcripts are not individually reviewed and approved for accuracy.

MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

SPECIAL WASTE COMMITTEE

JOE SERNA JR., CALEPA BUILDING

1001 I STREET

SIERRA HEARING ROOM

SACRAMENTO, CALIFORNIA

TUESDAY, NOVEMBER 4, 2003

9:30 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Jose Medina, Chairperson

Steven Jones

Michael Paparian

STAFF

Mark Leary, Executive Director

Marie Carter, Acting Chief Counsel

Jim Lee, Deputy Director

Linda Dickenson

Nate Gauff

Steven Hernandez

Dana Stokes

Alan White

Shirley Willd-Wagner

Kristin Yee

ALSO PRESENT

Terry LeVeille, TL & Associates

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

INDEX

	PAGE
Roll Call And Declaration Of Quorum	1
A. Deputy Director's Report	1
B. Consideration Of The Grant Awards For The Used Oil Opportunity Grant Program (7th Cycle) For FY 2003/2004 -- (Budget & Administration Committee Item B & November Board Item 1)	10
Motion	17
Vote	17
C. Consideration Of Proposed Allocations And Concepts For Consulting And Professional Services Contracts For Used Oil Fund FY 2003/2004; Status Report On The Used Oil Recycling Fund -- (Budget & Administration Committee Item C & November Board Item 2)	17
Motion	29
Vote	29
D. Consideration Of Grant Awards For The Waste Tire Playground Cover Grant Program For FY 2003/2004 Using The Current Allocation And Reallocation Of Available FY 2003/2004 Tire Recycling Management Funds -- (Budget & Administration Committee Item D & November Board Item 3)	30
Motion	36
Vote	39
E. Discussion Of Used Oil Storm Water Mitigation Program -- (November Board Item 4)	40
F. Discussion Of The Peer Review Process For The Energy Recovery From Tires Grant Program For FY 2002/2003 -- (November Board Item 5)	52
Public Comment	67
Adjournment	67
Reporter's Certificate	68

1 PROCEEDINGS

2 CHAIRPERSON MEDINA: Good morning. This is a
3 meeting of the Special Waste Committee. Today's Tuesday,
4 November the 4th.

5 Please turn off your cell phones and pagers,
6 place them on vibrating mode.

7 If you wish to speak, speaker slips should be at
8 the back of the room.

9 At this time, if you would call the roll.

10 SECRETARY HARRIS: Jones?

11 COMMITTEE MEMBER JONES: Here.

12 SECRETARY HARRIS: Paparian?

13 COMMITTEE MEMBER PAPARIAN: Here.

14 SECRETARY HARRIS: Medina?

15 CHAIRPERSON MEDINA: Here.

16 Members, are there any ex partes?

17 Board Member Jones?

18 COMMITTEE MEMBER JONES: I'm up to date.

19 CHAIRPERSON MEDINA: Board Member Paparian.

20 COMMITTEE MEMBER PAPARIAN: I'm up to date.

21 CHAIRPERSON MEDINA: And I'm up to date as well.

22 With that I'll turn it over to our Deputy

23 Director, Mr. Jim Lee.

24 DEPUTY DIRECTOR LEE: Thank you, Chairman Medina.

25 Good morning, Committee members.

1 A buzz this morning.

2 I have a couple items in my Deputy Director's
3 report before you this morning. First of all, I want to
4 give you a status update on the remediation activities at
5 the Tracy burn site.

6 The CEQA documentation and remedial action plan
7 had been approved by the Department of Toxic Substances
8 Control. We've also completed our public meeting and
9 notified the City of Tracy of the pending work. The
10 contractor, Sukitt Construction, is currently stockpiling
11 debris, which is determined to be a California hazardous
12 waste, and will begin hauling the waste on November 13th
13 to the chemical waste facility in Kettleman Hills,
14 California.

15 Within a week or so of the 13th we will be
16 hauling 75 truckloads a day -- that's about 1,500 tons per
17 day -- of hazardous material to the disposal site. We
18 estimate there's approximately 60,000 to 80,000 tons of
19 this material in total at the site.

20 Once we complete the hazardous waste removal, the
21 contractor will begin removing the nonhazardous designated
22 material from the old fire area, including the
23 contaminated soil which is saturated with pyrolitic oil.
24 We estimate there is 50,000 to 60,000 tons of this
25 material, which will be transported to Forward Landfill in

1 Stockton, California. Hauling of waste material is
2 projected to last for about five months. The site has
3 been designed however to allow work through the winter and
4 into the spring.

5 One additional item of note: All groundwater
6 tests to date at the site have indicated the pyrolitic oil
7 and other associated chemicals have not impacted the local
8 groundwater. If this continues to hold true, potential
9 long-term and currently unbudgeted costs to the Board will
10 be significantly reduced.

11 Now, for an update on the Sonoma project.
12 Consistent with the Board's direction, we are continuing
13 our efforts to remediate the illegal waste tire piles at
14 the Sonoma County waste tire sites.

15 For the Group 1 sites, all property owners have
16 agreed to comply with the terms and conditions of the
17 cleanup and abatement orders that they were issued.

18 For the Lone Group 2 site -- it's the Allgram
19 property -- a cleanup and abatement order was issued in
20 September. Mr. Allgram responded to the cleanup and
21 abatement order by requesting Group 1 status and also and
22 extension for complying with the cleanup and abatement
23 order. His request for Group 1 status was denied because
24 it was inconsistent with the Board direction. His request
25 for an extension was not approved at the time because he

1 failed to provide the necessary documentation. However,
2 Mr. Allgram was given until November 28th to submit a
3 revised extension for time.

4 For the Group 3 sites, cleanup and abatement
5 orders have been issued for both sites. Both property
6 owners, that is for the Briggs waste tire site and the
7 Wilson Beebe waste tire site, have provided a preliminary
8 response to the cleanup and abatement orders which staff
9 has deemed deficient. We are working with legal staff to
10 prepare an appropriate response, in which we are
11 encouraging the landowners to, among other things, follow
12 the lead of the Group 1 landowners in securing appropriate
13 consulting expertise, identifying pertinent permitting
14 issues, and committing to site remediation on a reasonable
15 time schedule.

16 As you know, we've been meeting on a monthly
17 basis with the property owners on the sub and -- Sonoma
18 RCD to coordinate on environmental compliance issues
19 surrounding the remediation and erosion control measures
20 that will be implemented on the Group 1 sites.

21 However, Leandra Swent for the RCD, at the
22 direction of her board, has requested that they be allowed
23 to meet only with landowners at this month's scheduled
24 meeting on November 6th, in order to provide the
25 landowners with a detailed estimate of the time and cost

1 for CEQA work, permitting, and design. She also hopes to
2 get a consensus amongst the landowners on how they will
3 proceed with addressing these issues.

4 The RCD is still attempting to assume lead agency
5 responsibility for CEQA. Our legal staff is working with
6 her to assist in making that determination.

7 Our next regularly scheduled meeting on December
8 4th, the landowners have committed to the following: To
9 have their archeological surveys completed; to have a
10 contract executed with a consultant for initial biological
11 surveys and to initiate that survey work; to develop a
12 flow chart of CEQA permitting issues; and to have made a
13 formal request to the Natural Resources Conservation
14 Services -- this is formerly the Soil Conservation
15 Services -- for assistance in wetlands determination, soil
16 surveys and project design.

17 One final note. I just want to bring to the
18 Committee's attention that our 2002 annual report with
19 regards to the California Waste Tire Generations, Markets
20 and Disposals has been prepared and is now available on
21 the website. This report shows a historical perspective
22 of program successes since 1990. The State nearly doubled
23 the number of waste tires recycled between '91 and 2002.
24 Industry trends show that the waste tire disposal and
25 stockpiling are decreasing, while waste tire diversion is

1 increasing.

2 In 1990 staff estimated that 9.2 million tires
3 were diverted from landfill disposal and stockpiling. In
4 2002, staff estimates that approximately 25.1 million
5 California tires, 74.9 percent of the 33.5 million tires
6 generated, were diverted from the annual waste stream.

7 With that, unless there's any questions on those
8 items, we're prepared to move into this morning's agenda.

9 CHAIRPERSON MEDINA: We do have some questions.
10 So let me start here on my left.

11 Board Member Jones.

12 COMMITTEE MEMBER JONES: Thank you, Mr. Chair.
13 Just a couple things.

14 On the Tracy fire, those issues that were
15 determined to be hazardous, was it -- I mean when that
16 fire was going, there were explosions happening, there
17 were flare-ups in areas that let people believe that --
18 since we weren't ever given access to that property, that
19 there may have been hazardous waste stored on that site.

20 Is this a result of those contaminations or is
21 this some other constituent?

22 DEPUTY DIRECTOR LEE: Mr. Jones, let me see if I
23 can turn that over to one of my staff. I don't have an
24 answer for you myself.

25 COMMITTEE MEMBER JONES: Or you can give me an

1 answer -- or the Committee an answer at some point.

2 DEPUTY DIRECTOR LEE: We'll get back to you on
3 that, Mr. Jones.

4 COMMITTEE MEMBER JONES: Because that was
5 something that we had asked to look at, just because of
6 the explosions, that it was pretty clear there was
7 something going on there besides just storage of tires.

8 DEPUTY DIRECTOR LEE: I understand.

9 COMMITTEE MEMBER JONES: And then on the Sonoma
10 tire stuff, I may have missed it. I understand the
11 landowners, that we've basically dumped it in their laps
12 to deal with the other regulating agencies.

13 Do we have any interaction with the other
14 regulating agencies?

15 DEPUTY DIRECTOR LEE: Yes, we do. Like I said,
16 we haven't -- we feel the landowners do have the primary
17 responsibility, as the Board order sets forth. But we've
18 been working with them hand in hand. At our last meeting
19 we invited and had in attendance the -- for example, the
20 Regional Water Quality Control Board people involved. So,
21 again, we're working, like I say, hand in hand with them
22 on the permitting issues.

23 COMMITTEE MEMBER JONES: Okay. Because I think
24 without our involvement on that stage, there's no -- I
25 mean the price tag is whatever it is. And, you know,

1 that's a pretty key negotiating point and has concerned me
2 that we didn't have a more active role.

3 DEPUTY DIRECTOR LEE: We understand that concern.
4 And, like I said, we are making sure that, you know, we
5 stay actively involved with the other parties that are
6 involved in this situation.

7 CHAIRPERSON MEDINA: Okay. Board Member
8 Paparian, any questions?

9 I just had a question in regard to the Sonoma
10 project. The property owner that has requested an
11 extension and would like to change status, what are some
12 of the issues or the problems that they're having in
13 regard to meeting our schedule?

14 DEPUTY DIRECTOR LEE: Well, the situation with
15 regards -- that both the Group 2 and the Group 3 property
16 owners have requested extensions of time. Let me just
17 take them individually.

18 On the Group 2 site, basically they're asking for
19 just an arbitrary two year, you know, time extension,
20 which, you know, the staff felt was inappropriate. They
21 weren't, you know, breaking out exactly why they needed
22 it. They hadn't followed the specific requirements as set
23 forth in the Board order that they needed to do to
24 demonstrate that an extension was necessary.

25 With the Group 3 sites, again they -- the

1 original request to us from the Beebe Ranch site is they
2 were -- their lawyer was requesting an ongoing rolling
3 60-day extension while they continued to work on
4 undefined -- unspecified problems.

5 So, again, we pointed out to both the Group 2 and
6 the Group 3 people, you know, exactly what our
7 expectations were with regards to what they needed to
8 submit, you know, to come into compliance. We are trying
9 to, you know, work with them. You know, we realize that
10 there are some unusual circumstances that surround all of
11 these Sonoma tire sites. But on the other hand too, that
12 they need to be making a concerted effort to demonstrate
13 that they are complying with the Board's directives.

14 CHAIRPERSON MEDINA: But we do have some that are
15 moving forward in regard to compliance?

16 DEPUTY DIRECTOR LEE: Yes, I think -- in fact,
17 we've held -- in our responses back to both Group 2 and
18 Group 3 landowners we've held up the process that's
19 ongoing with the Group 1 landowners, you know, where
20 they're engaging consultants, you know, they're working
21 with the various regulatory agencies that are involved,
22 you know, they're identifying the permit issues. We're
23 getting a time schedule from them with regards to when
24 certain activities will take place.

25 Again, what we're seeing from the Group 1 people

1 is more of a commitment, you know, to proceed
2 expeditiously with a cleanup -- a remediation and cleanup
3 of the sites.

4 On the Group 2 and Group 3 sites, we did not see
5 that same commitment.

6 CHAIRPERSON MEDINA: Well, I'm glad that there is
7 some progress being made given the amount of time that
8 staff and Board have invested in regards to this issue.
9 So I'm glad, you know, some of the property owners are
10 moving forward. And we want to provide any assistance to
11 those that are having any problems.

12 Thank you.

13 DEPUTY DIRECTOR LEE: Thank you.

14 CHAIRPERSON MEDINA: Call the next item please.

15 DEPUTY DIRECTOR LEE: The first item for the
16 Committee's consideration is Board Item No. 1, Committee
17 Item B, consideration of the grant awards for the Used Oil
18 Opportunity Grant Program (7th Cycle) for Fiscal Year
19 2003-2004.

20 Alan White will make the staff presentation.

21 MR. WHITE: Good morning, Chairman Medina and
22 Board Members. As you just heard, I will be making the
23 presentation for the Used Oil Opportunity Grant, 7th
24 Cycle.

25 (Thereupon an overhead presentation was

1 Presented as follows.)

2 MR. WHITE: The purpose of this program is to
3 establish or enhance used oil collection programs in areas
4 where they're needed statewide. It is made available to
5 local jurisdictions every other year.

6 And, by the way, I have the PowerPoint going on
7 behind you. Do you have screens?

8 --o0o--

9 MR. WHITE: In the Opportunity Grant criteria
10 item that the Board approved in June of this year a
11 tentative grant agreement term was included. Staff would
12 like to extend that grant agreement term.

13 In December of '98, the Board established a
14 requirement that grant agreements extending beyond a
15 three-year term must be approved by the Board. The
16 three-year term was based on the fiscal availability of
17 grant funds appropriated through the Budget Act.

18 Although not subject to those fiscal limitations,
19 grant programs such as the Opportunity Grant, funded by
20 continuously appropriated funds, have also been subject to
21 the grant three-year term. As tentatively approved for
22 the OG-7 cycle, grantees may have only 26 months to
23 complete their grant projects.

24 In recognition that Opportunity Grants are not
25 limited to a three-year fiscal year term, and in order to

1 provide grantees additional time to complete their
2 projects, staff recommends that the Board approve a
3 modification to its December 1998 policy such that the
4 Opportunity Grant term may be 39 months total. This would
5 accommodate the time necessary to complete the
6 administrative requirements without shorting the period in
7 which a project could be performed.

8 --o0o--

9 MR. WHITE: Priority criteria. The criteria for
10 the cycle was approved by the Board in June of 2003. The
11 applicants were asked to choose two of the five subject
12 areas summarized in the slides coming up.

13 The first relates to certified collection centers
14 in the sale of re-refined oil.

15 The second relates to the promotion of re-refined
16 oil at specialized locations.

17 The third establishes collection of used oil and
18 filters in specialized collections.

19 The fourth promotes the establishment of new
20 used-oil collection programs.

21 And the last encourages oil recycling education
22 programs at target-specific groups.

23 --o0o--

24 MR. WHITE: This final criterion favors
25 applicants who are not funded in the past. In previous

1 cycles many applicants had passing scores, but were not
2 able to be awarded through the lack of funding.
3 Therefore, the Board approved criteria which gave scoring
4 points to applicants who had not received a UOG award in
5 the last cycle. Of the 16 applicants funded by the OG-7,
6 only two had received OG-6 awards.

7 --o0o--

8 MR. WHITE: Of the applications, we received 22
9 qualified applications, and they requested over \$4.2
10 million in funding. Eighteen applications received a
11 passing score, and they requested just over \$3.6 million.

12 --o0o--

13 MR. WHITE: As you're aware, for the OG-7 \$3
14 million are available. This allows for full funding of 15
15 applicants and the partial funding of the applicant with
16 the next highest score.

17 North-south distribution of funded applications
18 is 43 percent for the north, 56 percent for the south.
19 With this distribution, all available funds have been
20 recommended for award.

21 In closing, we ask that the Board approve \$3
22 million for the 2003-2004 UOG Grant (7th Cycle) and to
23 approve Resolution 2003-477.

24 Staff's available for any questions.

25 CHAIRPERSON MEDINA: Board Members, any

1 questions?

2 Board Member Paparian.

3 COMMITTEE MEMBER PAPARIAN: Thank you, Mr.

4 Chairman.

5 Just a couple quick questions.

6 One of the grants, the Western Riverside Council
7 of Governments, relates to a new boater outreach program,
8 a new marina used oil recovery facility at Diamond Valley
9 Lake.

10 We have the existing Dock Walkers Program that
11 the Coastal Commission implements for us statewide at a
12 much lower cost than this. Although I assume a lot of
13 this money will be spent on a facility, are we making sure
14 that these folks interact with the Coastal Commission
15 folks, learn from their experiences? See, they've had
16 several years of experience at the Coastal Commission in
17 doing the type of outreach to boaters that this one will
18 be doing.

19 MR. WHITE: In their application they reference
20 that as one of their guiding sources of information.

21 But know that this also includes a new used-oil
22 recovery facility. That's where a lot of the extra
23 dollars is going to.

24 But, yeah, they were aware of the Boat Dockers
25 Program.

1 COMMITTEE MEMBER PAPARIAN: Okay. And then I
2 think just to -- you know, as it goes out the door just a
3 reminder to them to make sure that they interact to
4 learn -- because I know that the Coastal Commission, from
5 my experience in talking to them, has learned a lot about
6 the type of messages that work and how to work with some
7 of the boaters that are out there.

8 The only other thing I wanted to mention. I
9 don't see the Public Affairs folks in the room. But,
10 Mark, maybe you could let them know that --

11 COMMITTEE MEMBER JONES: They're back there.

12 COMMITTEE MEMBER PAPARIAN: There they are.
13 Okay, good.

14 Good opportunities here I see for, you know, some
15 of the outreach and to the media about the good work
16 that's going on with some of these programs and our
17 funding of the programs.

18 CHAIRPERSON MEDINA: Okay. Board Member, Jones.

19 COMMITTEE MEMBER JONES: Mr. Chair, I'll move
20 adoption of Resolution 2003-477, consider --

21 CHAIRPERSON MEDINA: Board Member Jones, before
22 you move, yeah, I had some comments.

23 COMMITTEE MEMBER JONES: Oh, I thought you were
24 looking to me. Sorry. Because I didn't have any
25 comments.

1 CHAIRPERSON MEDINA: I guess the only comment I
2 had, just to follow up with Board Member Paparian, and
3 that's that just looking at this in regard to the monies,
4 that for the Western Riverside Council of Governments,
5 we've given them \$340,000 for Diamond Valley Lake, and
6 just before that we're giving a much smaller amount to Los
7 Angeles to establish permanent used oil recovery centers
8 at 11 marinas. So it just seems like some discrepancy
9 there between one very large program and one single
10 entity.

11 MR. WHITE: Part of it is that recovery facility
12 where they don't have to do out of Dana Point and some of
13 the L.A. areas. It's just -- it's a different amount of
14 equipment they're using.

15 CHAIRPERSON MEDINA: Yeah. Such as what?

16 MR. WHITE: I have to go back and read and
17 compare. If you want an exact answer, I can get that to
18 you.

19 CHAIRPERSON MEDINA: Yeah, I would like to see,
20 you know, why there is such a difference between these
21 two.

22 MR. WHITE: We can do that.

23 CHAIRPERSON MEDINA: Yeah.

24 Okay. Board Member Jones.

25 COMMITTEE MEMBER JONES: I'll move adoption of

1 Resolution 2003-477, consideration of the grant awards for
2 the Used Oil Opportunity Grant Program (7th Cycle) Fiscal
3 Year 2003-4.

4 COMMITTEE MEMBER PAPARIAN: Second.

5 CHAIRPERSON MEDINA: Okay. Resolution 2003-477
6 has been moved by Board Member Jones, seconded by Board
7 Member Paparian.

8 Call the roll.

9 SECRETARY HARRIS: Jones?

10 COMMITTEE MEMBER JONES: Aye.

11 SECRETARY HARRIS: Paparian?

12 COMMITTEE MEMBER PAPARIAN: Aye.

13 SECRETARY HARRIS: Medina?

14 CHAIRPERSON MEDINA: Aye.

15 Resolution 2003-477 has been approved in the
16 amount of \$3 million. And this will be placed on fiscal
17 consensus.

18 DEPUTY DIRECTOR LEE: Thank you, Chairman Medina.

19 Board Item 2, Committee Item C, is consideration
20 of proposed allocations and concepts for Consulting and
21 Professional Services Contracts for Used Oil Fund, Fiscal
22 Year 2003-2004; status report on the Used Oil Recycling
23 Fund.

24 Please note that this item has been revised to
25 reflect a change in staff's recommendation regarding

1 funding for the Recycling Product Trade Show.

2 At the request of the Executive Director, an
3 analysis of trade show finances was conducted by the
4 Administration Division, which determined that oil fund
5 support is critical for current year funding of this
6 event. Given this finding and the acknowledged support
7 for this program by the Board and the Executive Office, we
8 are now proposing full Used Oil Fund support for the event
9 in the amount requested of \$50,000. The agenda item has
10 been revised accordingly.

11 With that introduction, I'll now ask Kristin Yee
12 of the Used Oil HHW Branch to make the remainder of the
13 staff presentation.

14 MS. YEE: Good morning, Chairperson Medina and
15 Committee members.

16 As Jim said, I'm here to discuss and to request
17 for consideration the proposed allocations and contract
18 concepts for the Used Oil Fund for Fiscal Year 2003-2004,
19 and to report on the status of the Used Oil Recycling
20 Fund.

21 This year we have only \$1.068 million of
22 discretionary funds. And this is a 59 percent decrease
23 from last year. So specifically what the Board
24 proposes -- staff proposes is that the \$677,000 be
25 allocated to continue the statewide outreach project.

1 Now, the goals of our statewide outreach projects
2 are to promote the recycling of used motor oil and used
3 oil filters, to increase the use of our 1-800-Cleanup hot
4 line and to help individuals locate their used oil
5 recycling center, to increase awareness of their need to
6 recycle used oil and filters, to increase awareness of the
7 environmental impact of illegal disposal, and also to
8 build awareness of the acceptability of using re-refined
9 in not only our personal vehicles, but also in fleet
10 vehicles.

11 So these funds cover invoices and not contract
12 concepts. And with these funds what we use is to purchase
13 premiums for local jurisdictions, support education and
14 outreach activities.

15 We also advertise in magazines. And this is an
16 ad that we have in the Government Fleet magazine.

17 We also do advertising and surveying at sport
18 events. And this is an 8 feet by 16 feet sign that is at
19 the Visalia Oaks Stadium. And this is visited not only by
20 those who attend the minor league baseball teams, but also
21 junior college and high school baseball also has their
22 games there. This is only one of the 11 minor league
23 baseball teams that we support. And they also survey at
24 these games to identify what the recycling oil practices
25 are of their attendees. So in a season over 1.6 million

1 people attend at all these different minor league baseball
2 games.

3 And then we also have an ad in the DMV handbooks.
4 And DMV handbook generates over 4.5 million copies each
5 year, and it's distributed statewide and it's done in
6 seven different languages. So we have an ad in all of
7 those each year.

8 What I have shown you here is the 677,000 of the
9 proposed statewide outreach activities. Of the 677,000,
10 these funds also include the 10,000 to support the Office
11 of Integrated Environmental Education, the 50,000 for the
12 Recycle Trade Show.

13 And the Recycle Product Trade Show and CalMAX has
14 been committed a baseline funding of 50,000 and 33,000.
15 And that was decided at a policy decision made by the
16 Budget and Administration Committee on November 7th of
17 2001. So we have the 50,000 for the trade show out of
18 that statewide outreach activity line item. But for the
19 CalMAX for 33,000, that comes out of the administrative
20 line item through the Used Oil Recycling Fund.

21 So once we get past the 677,000 we have 355,000
22 remaining from our discretionary fund. And what staff
23 proposed is that the 355,000 be put into three contract
24 concepts. And what the three contract concepts that we're
25 proposing is, it helps to decrease illegal dumping, it

1 supports our increasing of recycling used oil, and also it
2 addressed the needs of our stakeholder.

3 The first contract concept that we're proposing
4 is the 50,000 to the California Coastal Commission. What
5 the Coastal Commission would be doing this year would be
6 to assess the need for oil collection facilities at the
7 California marinas. And then what they're going to do is
8 provide maps of all the marina locations through the
9 Global Information System, the GIS. And the Coastal
10 Commission will also continue their outreach in the
11 educational Dock Walking Program.

12 The second contract concept we're proposing is
13 the annual Used Oil HHW Conference. And what this is, the
14 Board sponsors an annual conference that brings together
15 all of -- the local government and nonprofit grantees,
16 recyclers, oil industry personnel, and any individuals in
17 the used oil household hazardous waste industry. So this
18 contract concept is for 130,000.

19 The third contract concept that we have proposed
20 is the certified center outreach. And the main goal of
21 the Used Oil Program is to provide convenient locations
22 for individuals to return their used oil. And what we
23 found is that the more location there is, the more likely
24 they'll be returning the oil. So the aim of this contract
25 is to increase the number and distribution of auto parts

1 store collection centers. And what we would be doing is
2 developing a marketing and recruitment plan and conducting
3 a cost benefit study. This contract concept is for
4 175,000, which totals 355,000.

5 And funding the three contract concepts would
6 leave a balance of zero in our line item for the education
7 outreach activity.

8 And that pretty much concludes my allocation and
9 contract concept presentation. And what staff recommends
10 is that the Committee approves the proposed allocation
11 contract concept for Fiscal Year 2003-4 and adopt
12 Resolution No. 2003-478.

13 Are there any questions?

14 CHAIRPERSON MEDINA: I know that you handed out
15 this revised agenda item. Is there a revised resolution
16 also? Because it's not attached to this.

17 MS. YEE: The resolution would remain the same
18 because the only revision that was made in that agenda
19 item was the 50,000 put back in for the Recycling Trade
20 Show, which comes out of the line item, proposed statewide
21 outreach activities for 677,000. And that just comes out
22 as a lump sum in the resolution.

23 CHAIRPERSON MEDINA: Okay. So the resolution
24 itself does not need to be revised?

25 MS. YEE: No.

1 CHAIRPERSON MEDINA: Okay. Board Member Jones.

2 COMMITTEE MEMBER JONES: Thanks, Chair Medina.

3 I don't have any problem with 1 or 2, the
4 conference or the Coastal Commission. But I mean we've
5 done, it seems like, an awful lot of studies and spent an
6 awful lot of money looking on how to increase
7 do-it-yourselfers' access to recycling centers.

8 A GIS system that's going to identify centers is
9 only valuable if -- well, I don't know what you want to
10 get out of that, because these things are local issues,
11 local facilities. Why don't we make the 175,000 available
12 to the local public works staffs or whoever that are
13 running these programs and let them go out and see if they
14 can't entice more local auto parts stores. I mean that's
15 the way this stuff gets done, is those folks going out and
16 trying to get centers committed to collecting oil.

17 I mean to spend -- I mean I'd rather see 175
18 grand go to the people that are doing the work and give
19 them an incentive to go out and find more centers than do
20 another study. Because we're still going to have to rely
21 on those people. They don't need a strategic plan or a
22 marketing plan on how to go out. What they do is they go
23 out and they knock on doors and they try to, you know,
24 make it an attractive issue where they can get people in
25 the door, it's an auto parts store, because they're

1 offering their customers the ability to return their used
2 oil.

3 So, you know, I mean it's in the real world, and
4 it seems to me that the biggest barriers are paying to get
5 that oil out, staffing to get those done. We've dealt
6 with that over the years. Okay, you've made money
7 available to cover the testing and to cover the stuff
8 going out. But I mean I can't support this concept for
9 another study because I think you guys know enough. I'd
10 think about looking at how do you make dollars available
11 to local governments to go out and get more auto parts
12 stores to participate. I mean, I may be wrong, but that's
13 what my gut tells me.

14 MS. WILLD-WAGNER: If I could just address a
15 couple of those. I'm Shirley Willd-Wagner, Branch Manager
16 of the Oil and HHW Program.

17 I understand where you're coming from, Mr. Jones.
18 One of the reasons that we came up with this contract
19 concept is based on our previous research as a
20 do-it-yourselfer study in San Francisco, showing that one
21 of the biggest barriers to not recycling oil is when they
22 go to a certified center and find that the tank is full or
23 there's some other obstacle or for some reason they're
24 being turned away.

25 So one of the things that we wanted to do in this

1 contract was to identify what those barriers were, why
2 people were not being able to bring in their oil.

3 We've also through previous studies determined
4 that the auto parts stores themselves collect -- isn't it
5 like 60 percent of do-it-yourselfer oil?

6 MS. YEE: No, they really want to -- like -- they
7 collect 250 percent greater than all other programs that
8 we have.

9 And the reason why we decided to do this contract
10 concept is because we found that when we surveyed all the
11 auto parts stores within the State of California, only 20
12 percent of auto parts stores currently are collection
13 centers. So there's like 80 percent of the auto parts
14 stores that are not collection centers. And what we
15 wanted to do is identify them and get them involved,
16 because that's really where people are returning the oil,
17 is at auto parts stores.

18 And the other part of it was that we wanted to
19 identify to help the local jurisdictions -- you're right
20 in saying that it is the local jurisdiction that has --
21 you know, knock on the doors and get them to become
22 collection centers. But the only way they're going to do
23 that is if we can give them the information and say, "Hey,
24 you know, when you have your auto parts stores become a
25 collection center, not only is it benefiting you by

1 collecting oil, but every person who goes into the auto
2 parts store to return oil, they're purchasing X amount of
3 items from the auto parts store." We want to be able to
4 give them that kind of information and say, "Hey, this is
5 the tools that we can give you and the information that we
6 can give you," so that they're more willing to put the
7 effort into becoming -- getting them to become certified
8 centers.

9 But we don't really have all that data right now.
10 But we know that we just have 20 percent of the auto parts
11 stores as collection centers though.

12 MS. WILLD-WAGNER: That was one of the keys, is
13 to show them how much more money is generated when people
14 bring in their used oil, what's the cost benefit to the
15 auto parts store. So that was one of the biggest things
16 we were hoping to get out of this.

17 And as far as the local governments recruiting
18 the centers, that's primarily -- that money is available
19 through the Used Oil Block Grant Program. Everybody gets,
20 you know, allocation based on their population. I'm not
21 sure if you meant by putting 175,000 just back into the
22 block grant program and divvying it up that kind of a way
23 or not doing this contract. We wouldn't want to of course
24 do a separate grant program for that amount of money. But
25 I guess the other way is that it is available through the

1 block grant already, a certain amount of funding.

2 CHAIRPERSON MEDINA: Any more questions or --

3 COMMITTEE MEMBER JONES: No. But I think that
4 with 20 percent of oil -- of auto parts stores doing it
5 and collecting an incredible amount of oil, there's got to
6 be some data that's generated from that. If they're going
7 in and finding full tanks, then the next question is, is
8 there enough money available through the block grant to
9 deal with a timely removal of that waste oil? You know, I
10 mean I don't need -- I mean I can't see spending 175 grand
11 to get that information. I mean that seems pretty simple.

12 But whatever. I still have a hard time
13 supporting it.

14 CHAIRPERSON MEDINA: Board Member Paparian.

15 COMMITTEE MEMBER PAPARIAN: Mr. Chair, I'm happy
16 to move either -- well, I'll look to your direction --
17 either as is. Or if you want to pull out the 175 and have
18 further work on that, I'm happy to move a resolution that
19 does that, too.

20 So I'll look to your direction for which --

21 CHAIRPERSON MEDINA: Yeah, before we take any
22 action yet, I did have a couple of comments.

23 And, number one, you mentioned getting
24 information out on the DMV publication. I would also
25 recommend getting an article out, not necessarily an ad,

1 but an article out in the CalTrans publication because
2 they do distribute that widely.

3 Furthermore, in regard to the do-it-yourselfers,
4 I've had complaints -- a number of complaints from
5 do-it-yourselfers that when they go to the oil collection
6 centers, that they're either closed, not open during the
7 hours that they say they're supposed to be -- closed or
8 that they're full up already, full to capacity. So I
9 think at some point we do need some sort of a follow-up
10 and evaluation to find out what is happening with these
11 certified oil collection centers so that we can address
12 some of the complaints in this area.

13 I also do support doing further outreach and work
14 with the auto parts stores. Because if you've ever gone
15 out to buy an auto part yourself, you know that all these
16 do-it-yourself people are the majority of the people that
17 are there day and night at these places. So I do support
18 doing more outreach and whatever is necessary to get
19 greater participation by these auto parts stores. Twenty
20 percent clearly is not enough for all these auto parts
21 stores. And we do need more oil collection centers than
22 the ones that we have in place now.

23 So with that -- and I appreciate Mr. Jones'
24 comments. I think they're well taken. However, I have to
25 support the resolution as it's currently stated.

1 So Board Member Paparian, you were going to move
2 this item?

3 COMMITTEE MEMBER PAPARIAN: Yes. I'll move
4 Resolution 2003-478, consideration of proposed allocations
5 and concepts for Consulting and Professional Services
6 Contracts for Used Oil Fund, FY 2003-2004; Status report
7 on the Used Oil Recycling Fund.

8 CHAIRPERSON MEDINA: And I'll second the
9 resolution.

10 And call the roll please.

11 SECRETARY HARRIS: Jones?

12 COMMITTEE MEMBER JONES: No.

13 SECRETARY HARRIS: Paparian?

14 COMMITTEE MEMBER PAPARIAN: Aye.

15 SECRETARY HARRIS: Medina?

16 CHAIRPERSON MEDINA: Aye.

17 And this will be moved to the full Board. And it
18 will not be placed on the consent calendar.

19 DEPUTY DIRECTOR LEE: Thank you, Chairman Medina.

20 MS. YEE: I still have the second part on the
21 status of the Used Oil Fund. And that's Attachment 3, and
22 5. It's something that I've gone through with each of you
23 before.

24 Did you want me to go through the discussion on
25 how the Used Oil Fund is determined by statute? That's

1 where I talk about how our oil -- our funds are allocated
2 and its priority. If you look at 4 and 5.

3 Is that something you would like me to go through
4 step by step or bypass?

5 CHAIRPERSON MEDINA: Board Members, do we need to
6 go through this?

7 COMMITTEE MEMBER JONES: I don't care.

8 COMMITTEE MEMBER PAPARIAN: It was clear enough
9 to me. I didn't see any --

10 CHAIRPERSON MEDINA: Okay. We'll move on to the
11 next item. Thank you anyway.

12 MS. YEE: Thank you.

13 DEPUTY DIRECTOR LEE: Thank you, Chairman Medina.

14 Board Item 3, Committee Item D, is consideration
15 of grant awards for the Waste Tire Playground Cover Grant
16 Program for Fiscal Year 2003-2004, using the current
17 allocation and reallocation of available Fiscal Year
18 2003-2004 Tire Recycling Management Funds.

19 The Playground Cover Grant Program is one of the
20 most popular and oversubscribed grant programs that we
21 have. This year is no different, with passing
22 applications requesting funding in excess of the \$800,000
23 allocated for the purpose in the five-year plan.

24 Staff proposes to address this situation with the
25 reallocation of funds which had previously been set aside

1 in the five-year plan for injury recovery grants.

2 I'll now ask Linda Dickenson to make the
3 remainder of the presentation and provide additional
4 details on this proposal.

5 MS. DICKINSON: Good morning.

6 (Thereupon an overhead presentation was
7 Presented as follows.)

8 MS. DICKINSON: Good morning Committee Chair
9 Medina and Board Members. I'm Linda Dickinson with
10 Special Waste.

11 I'm presenting Committee Item D, consideration
12 for grant awards for the Playground Cover Grants.

13 --o0o--

14 MS. DICKINSON: Attachment 1 presents criteria
15 for the grant cycle.

16 Attachment 2 presents passing project summaries.

17 And Attachment 3 is a list of not passing
18 applicants.

19 And Attachment 4 is the Resolution number
20 2003-479.

21 A little background. The five-year plan approved
22 by the Board at its May 2003 meeting designated 800,000 to
23 fund the Waste Tire Playground Cover Grant Program for
24 five fiscal years beginning in Fiscal Year 2003-2004.

25 Staff mailed out more than 4,000 notice of funds

1 available statewide to cities, counties, school districts,
2 special districts, colleges, and indian tribes. The Board
3 received 48 grant applications. Two were disqualified and
4 46 were eligible for the evaluation process.

5 Forty-six applications were evaluated using the
6 criteria approved by the Board in April 2003. Thirty-nine
7 applications received a passing score and are eligible for
8 funding. Seven applicants did not receive a passing
9 score.

10 Staff received 46 applications. Sixty-six
11 percent were from southern California and 34 percent were
12 from northern California. So we did get the north-south
13 past our 61-39 percent distribution.

14 If approved, 65 percent of the recommended
15 funding, 596,368, will be awarded to southern California
16 and 35 percent of the recommended funding, 319,495, will
17 be awarded to northern California.

18 Under economic need. Of the 46 eligible
19 applications scored, 15 applications qualified to receive
20 points for the economic need criterion. Two of the five
21 applications that received five points for extreme
22 financial hardship got the 25 percent match.

23 --o0o--

24 MS. DICKINSON: We are recommending that the 39
25 applicants that received a passing score be funded for a

1 total of 915,000 -- oops, this is still not -- it's still
2 not working, Deborah.

3 However, we're recommending that the entire 39
4 applicants that received a passing score are funded for
5 \$915,863, which exceeds the amount allocated under the
6 five-year plan by 115,863. However, the five-year plan
7 includes proposed funding of 300,000 for the Energy
8 Recovery from Tires Project for Fiscal Year 2003-2004.
9 But since Assembly Bill 1756 amended PRC 42873 to state
10 that the Board cannot expend funds for any activities that
11 support research for the incineration of tires, we are
12 proposing that the 300,000 be pre-allocated for the
13 Playground Cover Grants, at least the \$115,863 of it.

14 Therefore, staff is recommending that the Board
15 approve Option 1 and approve for award all 39 applicants
16 that received a passing score and adopt Resolution No.
17 2003-479 for a combined total \$915,863.

18 CHAIRPERSON MEDINA: Okay. Thank you.

19 Board Members, any questions?

20 Board Member Paparian.

21 COMMITTEE MEMBER PAPARIAN: Thank you, Mr. Chair.

22 This is a good program and I like the program.
23 But I'm put in sort of an awkward position in that we're
24 both, you know, going forward, as we thought, with the
25 \$800,000 and we're reallocating within the Tire Fund at

1 the same time. And, you know, in the past when we've had
2 funds available for reallocation we've been able to look
3 at the range of options that might be available for
4 spending that money so that we can, as the Board, make a
5 determination what the highest priorities are.

6 But in this agenda item we've already identified
7 who's going to get the money. If we were to make a
8 decision to pull back the 115,000 for a reallocation item
9 at this point, we have some pretty disgruntled people who
10 are out there, who have already been identified as being
11 potential recipients of the money.

12 So what I would like to see in the future if any
13 money is available -- and I know there's some other money
14 from the purpose that you stated, there may be other
15 monies available from other sources within the Tire Fund
16 as has happened in the past -- that in the future we not
17 look to the staff deciding where that money should get
18 allocated; but rather the staff come forward with an
19 agenda item proposing the options that are out there for
20 reallocation of available monies. So that the Committee
21 and the Board can look at that and then make the
22 determination as to which are the highest priorities.

23 So, again, I'm not going to object to this
24 allocation here. I'm uncomfortable with the process. I'm
25 not going to object to this item. Just in the future, as

1 monies are available, I'd like them to come forward in the
2 more traditional way of showing us what monies are
3 available and where we might want to spend that
4 allocation, so that the Board Members can make that
5 decision.

6 CHAIRPERSON MEDINA: Board Member Jones.

7 COMMITTEE MEMBER JONES: Mr. Chair, I agree with
8 Mr. Paparian. But past practice of this Board has been,
9 and which I think alleviates the problem -- because I
10 agree that we shouldn't allocate this until we've gotten
11 the full menu of things -- is that we allocate the 800,000
12 that the Board directed in this. And that we consider
13 those that would not be funded but yet had passing grades
14 to be the ones that could receive in a reallocation of
15 funds to be determined at the later date so that it would
16 be -- it's done, we've got the list. That's very
17 consistent with what we've done for the last five years
18 when we've had dollars available. And that would stay
19 true to past policy of this Board. And I think the
20 resolution could be amended to reflect that.

21 CHAIRPERSON MEDINA: I think both of your
22 concerns in that regard are well taken.

23 So can we come up with an amended resolution in
24 that regard to the Board Member's wishes? Can we have
25 this ready by the Board meeting date?

1 DEPUTY DIRECTOR LEE: Oh, most definitely.

2 COMMITTEE MEMBER JONES: Mr. Chair?

3 CHAIRPERSON MEDINA: Yeah, Board Member Jones.

4 COMMITTEE MEMBER JONES: I want to try to put
5 that into a resolution so that they can do the paperwork
6 for us at a later date. Would that be okay?

7 CHAIRPERSON MEDINA: Very good, yes.

8 COMMITTEE MEMBER JONES: All right. I'll move
9 adoption of Resolution 2003-479 revised, consideration of
10 grant awards for Waste Tire Playground Cover Grant
11 Program, Fiscal Year 2003-4, using the current allocation
12 from the Tire Recycling Fund, to include the list of
13 approved applicants, not to exceed \$800,000, but that
14 those remaining applicants would be considered at the
15 reallocation of unexpended tire funds.

16 Does that work?

17 CHAIRPERSON MEDINA: Any problems with that?

18 COMMITTEE MEMBER PAPARIAN: That's fine. I was
19 comfortable with the original with the caveats, but I'm
20 comfortable with this as well.

21 So I'll second that.

22 CHAIRPERSON MEDINA: Okay. The resolution has
23 been moved by Board Member Jones, with certain revisions,
24 seconded by Board Member Paparian.

25 Call the roll on it, please.

1 DEPUTY DIRECTOR LEE: Chairman Medina, one moment
2 on that, please.

3 CHAIRPERSON MEDINA: Yes.

4 DEPUTY DIRECTOR LEE: Because we're only
5 approving the 800,000, the original allocation, there will
6 be a change in the actual projects that will receive
7 funding because of the north-south split issue.

8 Since we apparently don't have the revised list
9 of what that new list would look like, why I think I could
10 be prepared to bring this back at the full Board so you
11 can see exactly which projects will receive funding and
12 which ones won't.

13 It makes a difference because of the north-south
14 split issue whether or not you go with 800,000 now or you
15 go with the 916,000.

16 CHAIRPERSON MEDINA: Maker of the resolution, how
17 does that --

18 COMMITTEE MEMBER JONES: That's fine with me. I
19 mean I -- whatever the math has to be. I understand it's
20 a burden on the staff. But, you know, we've had two items
21 in a row where there's been staff direction -- or there's
22 been Board direction on allocation figures. And I don't
23 know if any of the Board Members were contacted about
24 these exceeding numbers. And if they were, that's fine.
25 But I wasn't, and I wasn't contacted on the \$10,000 for

1 the trade show that was removed by staff. And I don't
2 think that's what this Board's about. I think this Board
3 is about setting the policy and the direction. And, you
4 know, while I appreciate the work, and I have no problem
5 with the 915,000, I do have a problem when it's just taken
6 for granted that it's going to be done at a Committee
7 meeting -- at a meeting.

8 So, you know, do the split at 800,000, I think.
9 And those programs come forward. And then when we do the
10 reallocation, we will have approved the remainder to be
11 funded if, in fact, the Board decides to reallocate to
12 this program.

13 CHAIRPERSON MEDINA: Okay. You've heard the
14 Board's directions. So this item will be reworked and be
15 brought back to the full Board at our meeting this month.

16 DEPUTY DIRECTOR LEE: I understand.

17 COMMITTEE MEMBER PAPARIAN: Mr. Chair?

18 CHAIRPERSON MEDINA: Yes, Board Member Paparian.

19 COMMITTEE MEMBER PAPARIAN: Okay. Just a
20 little -- a different issue just a little bit off point,
21 but I'll venture this to Mark.

22 We have in here a revised resolution. We're
23 going to get a second revised resolution now. Earlier
24 today we had a revised agenda item and then a second
25 revised agenda item. It's sometimes hard to keep track of

1 what we're talking about. If you could maybe look to
2 either dating the revisions or doing something in a way to
3 assure that we can track when there's revisions or
4 multiple revisions, I think it will make our processes
5 move more smoothly.

6 EXECUTIVE DIRECTOR LEARY: Understood. Thank
7 you.

8 CHAIRPERSON MEDINA: Very good.
9 Call the roll on this item, please.

10 SECRETARY HARRIS: It's not going to the full
11 Board?

12 CHAIRPERSON MEDINA: Yeah, it's going to --

13 COMMITTEE MEMBER JONES: With a recommendation,
14 right?

15 CHAIRPERSON MEDINA: Yes, exactly.

16 COMMITTEE MEMBER JONES: With a recommendation?

17 CHAIRPERSON MEDINA: Yeah.

18 SECRETARY HARRIS: Jones?

19 COMMITTEE MEMBER JONES: Aye.

20 SECRETARY HARRIS: Paparian?

21 COMMITTEE MEMBER PAPARIAN: Aye.

22 SECRETARY HARRIS: Medina?

23 CHAIRPERSON MEDINA: Aye.

24 Next item.

25 DEPUTY DIRECTOR LEE: Board Item 4, Committee

1 Item E, is a discussion of the Used Oil Storm Water
2 Program.

3 Steve Hernandez will make the staff presentation.
4 (Thereupon an overhead presentation was
5 Presented as follows.)

6 MR. HERNANDEZ: Good morning, Committee members.
7 I am Steven Hernandez. I'm supervisor in the Used oil and
8 Household Hazardous Waste Program.

9 My presentation will address the used oil block
10 grant aspect of the stormwater mitigation policy,
11 including summary and closing comments.

12 Dana Stokes, who's an integrated waste management
13 specialist in our program will address the used oil
14 competitive grant role in the stormwater mitigation
15 established via companion legislation to AB 560.

16 --oOo--

17 MR. HERNANDEZ: This item is a follow-up to the
18 2002 Board decision adopting the Block Grant Storm Water
19 Expenditure Policy.

20 In January 2002 staff presented the Board with a
21 proposed policy to implement AB 560 (Jackson) for used oil
22 block grants. And that's in Attachment No. 1 of your
23 packet.

24 AB 560 conditionally allows for block grant funds
25 to be utilized for the mitigation and collection of oil

1 and oil byproducts from stormwater runoff. Storm water
2 inlet filters are explicitly noted in the legislation as
3 an example of the type of device which is conditionally
4 approved pursuant to this legislation.

5 Conditions specified in statute for this use
6 include the following:

7 A comprehensive local used oil collection and
8 education program must be in place. Staff refer to this
9 condition as, quote, the core program requirement.

10 The second condition is that the grantee
11 self-certify that it has a Regional Water Quality Control
12 Board approved stormwater management plan in place and
13 that the provisions or projects proposed for funding under
14 the block grant are consistent with that approved
15 stormwater management plan.

16 The legislation itself does not include any cap
17 on stormwater related elements. However, staff
18 recommended to the Board that a 50-percent cap on
19 stormwater related expenditures be imposed. Staff felt
20 that the cap is necessary to ensure grant funds are
21 preserved for the core program, oil recycling, collection,
22 and educational efforts.

23 The 50-percent cap policy also authorized
24 jurisdictions to request Board approval of any expenditure
25 above the cap upon a justified showing.

1 In addition to staff's presentation in January
2 2002, two affected stakeholders spoke before the Board. A
3 representative from a hazardous waste hauler expressed
4 general support for the policy, but with the caveat that
5 large jurisdictions may already have well established
6 collection programs and may not need to spend 50 percent
7 of their block grant funds to maintain adequate oil
8 collection and outreach.

9 It was felt that making a formal request to the
10 Board for modification would be onerous. Instead, a more
11 informal staff approval process was suggested. The
12 representative agreed to the follow-up study period. I
13 have recently spoken with that representative from the
14 company and he did not have any problem with the policy.

15 Also speaking before the Board was a
16 representative from a large southern California
17 jurisdiction who agreed with Board Member comments that if
18 there was a need to exceed the 50-percent cap, they would
19 have staff here to present their case. I also spoke with
20 this representative and he remains satisfied with the cap
21 policy.

22 Following Board adoption of the 50-percent cap,
23 policy staff revised the block grant procedures and
24 requirements in February of 2002, which is presented in
25 Attachment No. 4 implementing the policy.

1 A related bill, AB 1201, which is in Attachment
2 No. 2, also became effective in January 2002. However,
3 this law was not part of the January 2002 staff
4 presentation. This law similarly approves stormwater
5 mitigation expenditures in the Used Oil Program
6 competitive grants. However, there's no spending cap
7 associated with competitive grants.

8 Storm water mitigation projects as an eligible
9 expense and/or criteria have been incorporated into the
10 Used Oil Opportunity, Nonprofit Research, Testing and
11 Demonstration grants upon passage of AB 1201.

12 Currently, five stormwater related projects are
13 funded via competitive grants. Of these, three Research,
14 Testing and Demonstration grants address filter technology
15 and performance. It is my understanding that two of the
16 proposed Opportunity Grant awards contains stormwater
17 components, one for publicity and education and the other
18 for filters installation and commercial and parking lot
19 areas.

20 I'd like to move on to the findings.

21 --oOo--

22 MR. HERNANDEZ: Of the 18 block grantees with
23 approved stormwater expenditures, 16 are urban and 11 are
24 from southern California. Expenditures have focused upon
25 public education, stenciling and markers.

1 And I'd like to show you a few of the P&E items.

2 --o0o--

3 MR. HERNANDEZ: This is a page from a calendar
4 developed in Marin County that's circulated within the
5 community. And it's, as you can see, Tips on Tires for a
6 Clean Bay.

7 --o0o--

8 MR. HERNANDEZ: This is a copy of a newspaper ad
9 also in Marin county. And that's a picture of one of our
10 staff person's yards there.

11 Just kidding.

12 --o0o--

13 MR. HERNANDEZ: This is from Tuolumne County.
14 It's a marker, "No Dumping." And they have placed these
15 in various locations in the county at their storm inlet
16 locations.

17 --o0o--

18 MR. HERNANDEZ: This is a banner, City of Laguna
19 Hills. Again the message of no dumping.

20 --o0o--

21 MR. HERNANDEZ: And this is a decal kit for a van
22 with Orange County in southern California.

23 --o0o--

24 MR. HERNANDEZ: Two grantees have spent
25 approximately 50 percent of their block grant funds, while

1 the other grantee expenditures range between 2 and 30
2 percent. I've asked myself, and you may ask, why is there
3 such a low number of grantee participants with stormwater
4 expenditures? I'd like to offers several possibilities.

5 One is that it appears that local oil program
6 coordinators may not publicize the fact that block grant
7 funds may be used for stormwater activities, especially
8 when that responsibility for stormwater programs lies in
9 another department. There's some fear out there that
10 they're going to get their funds raided, if you will, by
11 other departments.

12 Secondly, there's some concern by grantees that
13 reporting stormwater expenditures separately is a burden.
14 To avoid that additional step, some grantees simply roll
15 their stormwater publicity costs into the general used oil
16 publicity and education expenditure category.

17 It is interesting that several large
18 jurisdictions -- I'll mention L.A. County and City of San
19 Diego -- explained that they historically integrate
20 stormwater pollution prevention messages into their used
21 oil and HHW educational materials and continue to do so.
22 Therefore, their expenditures do not appear as a separate
23 water expenditure, and contribute to what we believe is an
24 under-reporting of true total stormwater related
25 expenditures.

1 I wish to note that a survey of the northern and
2 southern California Used Oil and Household Hazardous Waste
3 Program advisory groups revealed that the responding
4 grantees were satisfied or did not express a problem with
5 the BG cap policy. Nonetheless, the grantees acknowledged
6 the specific stormwater expenditure option and appreciated
7 its availability.

8 At this time, one block grantee is pursuing
9 installation of inlet filter devices. Several other block
10 grantees in San Diego County, whose annual block grant
11 reports are under review, plan to purchase inlet filter
12 devices and utilize publicity and education and best
13 management practices materials in their block grants.

14 I wish to turn the next part of the presentation
15 over to Dana Stokes of our program. Dana will discuss the
16 competitive grant aspect of AB 1201.

17 CHAIRPERSON MEDINA: Very good. Thank you.

18 MR. HERNANDEZ: And I'll return with a wrap-up.

19 MS. STOKES: As Steve mentioned earlier, AB 1201
20 allows grantees to expend Used Oil Recycling Grant Funds
21 on mitigation of oil and stormwater. Currently, three
22 research, testing and demonstration grantees are testing
23 the oil absorption performance and cost effectiveness of
24 storm drain filters.

25 --o0o--

1 MS. STOKES: The first grantee, GeoSyntec
2 Consultants, Inc., are partnering with UCLA in Los Angeles
3 County. They're evaluating the ability of four storm
4 drain filter models to capture oil and green suspended
5 solids, heavy metals and petroleum hydrocarbons in
6 residential and commercial settings. And they will also
7 assess the filter's long-term performance and maintenance
8 requirements.

9 And as you can see from the slide, they're going
10 to be, scientifically speaking, quantifying the total mass
11 of pollutants captured by filters over a 20-month period
12 at 40 cumulative pollutant capture sites and 12
13 field-to-laboratory sites. So they'll be looking at the
14 real life capture in the field as well as a lab-simulated
15 capture.

16 --o0o--

17 MS. STOKES: The second grantee, California State
18 University of Sacramento, will be testing and evaluating
19 oil absorption performance of four storm drain filter
20 models. They'll be doing this through a model or a
21 facility that they're building. And they'll be simulating
22 oil and stormwater runoff introduced into filters as well
23 as a directed injection of oil into the filters to
24 simulate actual oil spills or illegal disposal.

25 --o0o--

1 MS. STOKES: And the third grantee, City of La
2 Mirada, they'll be installing filters at storm drains in
3 residential, commercial, and industrial settings in the
4 City of La Mirada.

5 And this is more of a public works emphasis.
6 Their public works personnel want to determine the
7 pollutant removal performance, but particularly address
8 the maintenance requirements and installation of
9 maintenance costs of several storm drain filter models.

10 In talking with a number of public works staff
11 throughout the state, one of the real limitations of storm
12 drain filters in terms of oil absorption is that they're
13 not adequately maintained. So you can spend a lot of
14 money paying for their installation. But if they don't
15 have the labor costs to cover going out and cleaning them
16 out after storm events, they don't do much good. So
17 they're going to be looking at that particular aspect.

18 Any questions?

19 CHAIRPERSON MEDINA: Board Members, any
20 questions?

21 Board Member Jones?

22 COMMITTEE MEMBER JONES: No, I'm fine.

23 CHAIRPERSON MEDINA: Board Member Paparian.

24 COMMITTEE MEMBER PAPARIAN: No.

25 CHAIRPERSON MEDINA: Okay. Storm water

1 management and mitigation is a very big issue. I know
2 that we took this very seriously when I was at CalTrans.
3 And you've made a good presentation. I know that you are
4 going to --

5 MS. STOKES: I forgot to mention there are two
6 nonprofit grantees that are also doing stormwater
7 pollution prevention education. They're the California
8 Environmental Council and Save Our Shores. And CEC is
9 focusing their outreach education in Santa Barbara. And
10 Save Our Shores is in the Central Coast area.

11 CHAIRPERSON MEDINA: Okay. Thank you.

12 DEPUTY DIRECTOR LEE: Mr. Medina, I believe Mr.
13 Hernandez had some concluding remarks.

14 CHAIRPERSON MEDINA: Yeah.

15 MR. HERNANDEZ: Yeah, almost done here.

16 I'd like to take a peek at some possible future
17 scenarios for this.

18 I expect --

19 CHAIRPERSON MEDINA: If you can do this briefly,
20 we'd appreciate it.

21 MR. HERNANDEZ: Yes.

22 I expect that we will continue to advise the
23 block grants through different media about this
24 opportunity of user block grant dollars.

25 I also expect that with the continuing State

1 Water Resources Control Board's enforcement of their
2 national pollution discharge elimination system, we may
3 see additional pressure -- or I should say the locals
4 would see additional pressure for utilization of block
5 grant funds to address the MPDES permit process.

6 I also expect that we will closely examine the
7 results of these competitive research grants and apply
8 findings to the program as guidelines. For example, if it
9 is shown that these devices effectively absorb oil and
10 that they are cost effective, then we may advise grantees
11 about placement of the inlet devices in public parking or
12 industrial areas as a first priority.

13 Finally, given the high cost of the inlet
14 devices, averaging \$500 or more per unit plus maintenance,
15 and the fact that about 30 percent of our current block
16 grantees receive \$20,000 or less, we may research other
17 options in addition to inlet filtering devices, such as
18 outlet filtering devices, as a more cost efficient
19 mechanism. If that avenue is deemed worthwhile, staff
20 would present a contract concept for the '04-'05 fiscal
21 year.

22 This concludes my presentation. And Dana and I
23 are available for questions.

24 CHAIRPERSON MEDINA: Okay. Thank you very much.

25 Board Member Jones.

1 COMMITTEE MEMBER JONES: Thanks, Mr. Medina.

2 Steve, I know they're looking at the -- and I'm
3 glad to see they're doing the one on servicing these
4 things. You know, I mean that obviously makes a lot of
5 sense. But, you know, if you go to any waste water
6 treatment plant or an area that's going to be processing
7 or at the end of an outlet or something like that, the
8 thing that they're always finding, especially at the
9 outlets, depending upon the area, could be cigarette
10 butts, filters. I mean as they look at the pollutants and
11 stuff, are they looking at -- you know, you're going to
12 have some areas, some downtown areas that are going to
13 have a lot of bars, a lot of restaurants, could be
14 populated by a lot of folks like me that smoke.

15 You know, a lot of people I've talked to is the
16 amount of filters that are there. Are they going to talk
17 about that in their study? Because I'm wondering if that
18 doesn't create a problem -- a restrictive problem with
19 some of those filter elements. I wonder if they're even
20 going to consider that as a problem.

21 MS. STOKES:

22 They will be addressing that in the City of La
23 Mirada in L.A. where they have actually field-installed
24 filters. They'll be looking at how trash obstructs -- in
25 some cases trash actually helps with absorption because

1 the oil gloms onto the --

2 COMMITTEE MEMBER JONES: All right. Thanks. I
3 appreciate that.

4 MR. HERNANDEZ: It's supposed to be a real-world
5 type of situation we're trying to replicate.

6 COMMITTEE MEMBER JONES: Right. And I appreciate
7 that. Thank you.

8 MR. HERNANDEZ: How many bars are there, I don't
9 know.

10 COMMITTEE MEMBER JONES: We could find out, huh?

11 (Laughter.)

12 CHAIRPERSON MEDINA: I don't think we'll be
13 funding that survey.

14 COMMITTEE MEMBER JONES: I'll fund it. I'll go
15 down there.

16 CHAIRPERSON MEDINA: Next item, Item 5.

17 DEPUTY DIRECTOR LEE: Thank you, Chairman Medina.

18 Board Item 5, Committee Item F, is discussion of
19 the peer review process for the Energy Recovery from Tires
20 Grant Program for Fiscal Year 2002-2003.

21 Nate Gauff will make the staff presentation.

22 MR. GAUFF: Good morning, Chairman Medina and
23 Committee members. I'm Nate Gauff with the Special Waste
24 Division.

25 This item is in response to Board's direction at

1 the May 2003 meeting when the Energy Recovery from Tires
2 grants were approved. The Board directed that we come
3 back with an update or a report on peer review efforts for
4 these grants by December 1st of 2003.

5 To date, none of the projects have started with
6 the grantees. All the grant agreements have been
7 executed. As most of these projects involve construction,
8 I think most of them are looking to go into springtime to
9 actually start their projects.

10 As far as the peer review is concerned, staff has
11 looked into a number of processes. And the one we chose
12 or at least the one we're bringing forth for discussion is
13 the agency peer review process right now that exists with
14 the University of California Office -- Office of the
15 President at the University of California.

16 Typically what happens is that one of the boards
17 or departments will bring forth a project for peer review,
18 and that goes as a task order under an existing
19 interagency master agreement that the agency has with the
20 University of California. And typically -- once again,
21 the way that goes is the project comes forth. The agency
22 will also suggest a possibility of a group of peer
23 reviewers to review that project. And then the Office of
24 the President will go ahead and execute that peer review
25 by working with the various proposed peer reviewers to

1 select one to actually look over the project.

2 The funding for this is covered through the
3 agency. And I believe all the boards and departments have
4 some type of overhead contribution that they make to the
5 agency. And this program is paid for through those funds.

6 Are there any questions?

7 CHAIRPERSON MEDINA: Yes. I'm sure the Board
8 Members have questions and comments in regard to this.

9 Board Member Paparian.

10 COMMITTEE MEMBER PAPARIAN: No.

11 CHAIRPERSON MEDINA: Board Member Jones.

12 COMMITTEE MEMBER JONES: I have a couple.

13 I appreciate your reporting back in a timely
14 manner on this issue. I know that we agreed to this
15 amendment -- to a resolution when we did this allocation.
16 Since then, we've had issues dealing with TDF, like a, you
17 know, Board-supported five-year plan that got overturned
18 in the Legislature. And that's bothersome to me.

19 But I also -- what happened to Cal EPA's -- or
20 our ability to deal with the Air Resources Board and folks
21 like that? And the reason I bring it up is that we've had
22 two reports that come to mind quickly that were contracted
23 through the college system. One of them was through Sac
24 State, that there was membership on this Board that didn't
25 appreciate the outcomes. So we didn't accept it as a

1 report of the Board, just that we received the thing.

2 We had another one that was done by Sy Schwartz
3 at UC Davis, who refused to take any comments and change
4 his report. So that was another report that we took as --
5 you know, as just an acceptance of the report.

6 And I guess my point is that with the -- I have
7 no problem with peer review. I have problems with
8 prejudiced peer review, where the -- Sy Schwartz' report
9 that came out of UC Davis, that everybody refused to
10 change went through peer review at the Air Board, along
11 with another report that was commissioned by somebody
12 else, where it was the finding of the Air Board that it
13 was -- that the development of markets in California in
14 the '96 report was a pretty good report in every area
15 except TDF. And in that area they found it to be a
16 personal bias that there was no science.

17 And, you know, I think when we look at the South
18 Coast Air District in '97, who have commented on these
19 issues, you know, they've said things in testimony that --
20 you know, "We have concluded that using waste tires as
21 supplemental fuel in cement kilns has a beneficial effect
22 on emissions." Cement kilns in San Bernardino County have
23 documented 30 percent reduction in NOx emissions after
24 waste tires were added to the fuel system Kern County
25 obtained the similar results, were anticipating a local

1 NOx reduction of 1.8 tons per day. This from one of the
2 most rigid air districts in the nation.

3 And so my fear is -- they commented on the
4 inaccuracies of a UC Davis report, a UC Davis report that
5 the author and the school failed to even acknowledge that
6 people had problems with just that one portion because it
7 was a personal point of view.

8 So do we have options -- I mean if it goes to the
9 UC system -- and they can obviously be influenced, just
10 like, you know, legislation could be influenced. Do we
11 have options there that we can actually get some square-up
12 science on this stuff? I mean because there's too much
13 rebuttal from scientists, where they've rebutted reports
14 because they clearly didn't deal with the science.

15 MR. GAUFF: Well, I think we do have some options
16 in that -- I know now there are currently a couple of
17 contracts with UC Riverside with the Center for
18 Environmental Research and Technology, that may be an
19 option. I know UCLA has done some work on a number of
20 environmental issues. Or we can look at different -- you
21 know, different universities, different institutions to
22 try to get a, if you want to call it, a different pool of
23 reviewers -- of peer reviewers.

24 COMMITTEE MEMBER JONES: I just want -- you know,
25 I don't care what the outcome is. I don't care if it's

1 something I think it should be or something that isn't.
2 That part doesn't bother me. I want it to be transparent.
3 And -- you know what I mean? I want it to be transparent.
4 I want people to be able to rely on the data and make a
5 determination. I'm very concerned when it may not be that
6 way.

7 MR. GAUFF: Another possibility. I know we've
8 worked on a couple issues involving the emissions from
9 rubberized asphalt production at some of the hot mix
10 facilities. We've called ARB in on some of those issues.
11 Not through a contract, but just on an informal basis
12 where, you know, staff has worked with staff. That may be
13 a possibility also.

14 The air districts are another possibility, that
15 we haven't worked as much with them, you know, because
16 it's a separate level of entity. But that may be a
17 possibility also. You know, there's private industry
18 also. I don't think private industry's --

19 COMMITTEE MEMBER JONES: No, I don't want that.

20 MR. GAUFF: -- as much of a factor right now.

21 But there may be some other options we can
22 explore, you know, in the intervening time until these
23 projects are completed, and maybe come back to the Board.
24 Or even just present it as a memo to every one of the
25 Board Members to consider how we want to proceed before we

1 come back to the Board with another item, to take the time
2 to do that.

3 DEPUTY DIRECTOR LEE: Mr. Jones, just if I could
4 follow up a little bit on that as well.

5 Again, we proposed using the Cal EPA peer review
6 group because, again, they're an established
7 infrastructure. And it seemed to us to make sense to do
8 that rather than kind of a reinventing the wheel in
9 establishing a separate peer review process on our own.

10 We understood our direction, you know, from the
11 May hearing was again to propose, you know, some option
12 for addressing this peer review issue. We understood that
13 again we were supposed to make sure that the peer review
14 process didn't include people, you know, with them biased
15 one way or the other.

16 And so, you know, I think Nate has mentioned that
17 you're right now -- you know, some of the people that we
18 are proposing to request be included for the UC people to
19 consider as part of the peer review process, you know, are
20 some of the ARB or the AQMD folks. You know, they're not
21 affiliated with the industry per se, you know, that we
22 think they've got the technical background to be able to
23 assist in this matter.

24 Other than that, like I said, we're open to
25 suggestions if you feel we need to go farther afield than

1 that or to use something other than this Cal EPA peer
2 review group.

3 CHAIRPERSON MEDINA: Board Member Paparian is
4 next. And we're going to be adjourning by 11 o'clock.
5 And I still want to allow time if there's any public
6 comment from the audience.

7 Yes, Board Member Paparian.

8 COMMITTEE MEMBER PAPARIAN: Yeah, thank you, Mr.
9 Chairman.

10 I mean I think it would look -- at this point, I
11 think it might look awkward not to use an existing process
12 that -- as far as I know it's been used frequently by
13 other entities in Cal EPA with the support of the affected
14 and regulated industries. I don't think there's been a
15 question about any bias or anything like that associated
16 with this process that exists through this contract with
17 the UC Office of the President.

18 So I mean -- Mr. Jones, you and I have had
19 differences of opinion on a number of these things. I
20 don't think this should be one of them. I think this is
21 one where it's a process that's been set up to allow for
22 legitimate and unbiased peer review, not -- you know, not
23 independent generation of data, not independent opinions.
24 But rather a review by people who are knowledgeable to
25 determine whether what's being said in these reports and

1 research is bonafide, is accurate based on the information
2 that's there.

3 And, again, I know that the regulated industry
4 affected by other Cal EPA entities has been very
5 comfortable and supportive of this peer review process. I
6 don't think there's ever been any suggestion that there's
7 any bias involved in this peer review process. So rather
8 than staff, you know, searching out for alternative
9 processes, I think they've done a good job of coming
10 forward with something that exists where there's an
11 existing relationship and where there oughtn't be the type
12 of concerns that you're raising.

13 COMMITTEE MEMBER JONES: Well -- can I respond?

14 CHAIRPERSON MEDINA: Board Member Jones, I think
15 each of you had your say on this. We're going to have
16 further discussion as we go into any specific actions that
17 we take. And what I'd like to do now, I'd like to hear
18 from the -- we do have a member of the public that wishes
19 to address this. And then I have to be on my way to San
20 Francisco to cast a vote somewhere. So I'd like to move
21 forward.

22 Mr. Terry Leveille.

23 MR. LEVEILLE: Mr. Chairman, Committee members.
24 I'm Terry Leveille representing TL & Associates and not
25 the cement industry. Although I was responsible for

1 writing a couple of the grants that are being considered
2 in this fray. And I have worked with the cement industry.
3 And unfortunately Bob Houston, who represents the cement
4 industry in this, is unable to attend today. He asked
5 that if there were some issues that came before the
6 Committee or questions from the Committee members, that
7 I'd be able to take those.

8 Their concerns are basically what Mr. Jones has
9 indicated, a concern about a potential bias from an
10 educational institution based on some -- a political or a
11 social issue that we have seen. As far as the cement
12 industry is concerned, it's very concerned about their use
13 of tires as a fuel supplement.

14 COMMITTEE MEMBER PAPARIAN: Can you identify
15 anything that's been done by using this peer review
16 process where anybody has ever indicated any bias? I
17 don't think -- I think if you looked at it, Terry, you
18 wouldn't find it. You might find individual professors in
19 the UC system who you agree or disagree with something.
20 But I think the process that Cal EPA's set up is truly the
21 sort of peer review process that's been envisioned in the
22 scientific community for years.

23 MR. LEVEILLE: The concern is not so much the
24 peer review process. The concern is that it be directed
25 to an institution where there may be some latent biases on

1 this particular issue. It's a hot-button issue. It
2 was -- and I think if we hadn't had the situation with Dr.
3 Schwartz back in '96, it may not have even, you know, been
4 on the radar screen.

5 The cement industry would like to -- you know,
6 will be here at the meeting next week, would like to
7 present the issue and would like to be involved in some
8 process with the Board in who these peer reviewers are.
9 Their concern is that they're going to get a potential
10 individual or group that may have a bias against the tires
11 as a supplemental fuel.

12 COMMITTEE MEMBER PAPARIAN: Yeah. This isn't --
13 it's a good debate, but this isn't -- I think -- and I
14 think Mr. Leary can verify that a number of people on this
15 Board have a scientific background. And I think any of
16 them who's ever been involved in peer review would agree
17 that to involve people to the extent you're suggesting
18 defeats the purpose of a peer review process. It's --
19 hand picking the peer reviewers or influencing who the
20 peer reviewers are for the people involved in the project,
21 having that level of influence, is wrong. It's not how
22 you're supposed to do a scientific peer review process.

23 MR. LEVEILLE: Right, right. The cement industry
24 wants confidence that whoever is reviewing it, whether it
25 be a Cal EPA agency, whether it be OEHHA or whoever, or a

1 UC, that there be a modicum of objectivity on the issue.
2 But they were very concerned when they saw in the report
3 in the agenda item that it was going to be directed toward
4 a UC institution just because of the past experience.

5 COMMITTEE MEMBER PAPARIAN: Well, I will --

6 CHAIRPERSON MEDINA: Board Member Paparian, It's
7 Mr. Leveille's nickel at this point for him to sum up his
8 testimony. And then I have to go to Board Member Jones.
9 And then we're going to adjourn at 11 o'clock --

10 COMMITTEE MEMBER PAPARIAN: Okay. I'd like to
11 ask Mr. Leveille a couple more questions if I can though.

12 CHAIRPERSON MEDINA: In fairness of equal time
13 here, I'm going to give Mr. Jones an opportunity to
14 address some comments to Mr. Leveille. And then I'll get
15 back to you if we're still at it before 11 o'clock.

16 Mr. Jones.

17 COMMITTEE MEMBER JONES: My question, Mr.
18 Leveille, I guess is that -- I don't think you could -- I
19 know I don't -- when I read the item, I don't have a
20 problem with peer review. I think we need it, we endorse
21 it, and most of the times it's pretty reasonable. But we
22 have seen a series of issues where things got distorted,
23 things got changed.

24 I mean, I had a reliance on the vote of the
25 five-year plan that left this Board with a 5 to 1 vote or

1 a 6-0 vote that got overturned by the Legislature. And
2 that was actually one of the only reasons when we had
3 voted for that that I even allowed -- you know, talked
4 about including this peer review in this issue was, you
5 know, to extend my hand. But I am nervous. And I'm
6 wondering, the reports that were sent out by this Board
7 over the years that I've been here went to Cal EPA, which
8 got routed to the Air Board. And the Air Board did the
9 peer review.

10 Has Cal EPA changed and said now we're going to
11 just start selecting the UCs, we're not having the Air
12 Board do the peer review? Because I don't have a problem
13 with peer review. I just want it to be realistic. And I
14 don't have any faith on this issue that anything is what
15 it is.

16 CHAIRPERSON MEDINA: Well, beyond November 17th
17 we don't know what Cal EPA is going to do.

18 COMMITTEE MEMBER JONES: That's true.

19 DEPUTY DIRECTOR LEE: As I mentioned earlier, Mr.
20 Jones, we intend to recommend AQMD and ARB folks. Those
21 are the primary people that we intend to be recommending,
22 you know, to the UC people, you know, to include on the
23 Committee.

24 CHAIRPERSON MEDINA: Thank you.

25 MR. LEVEILLE: The concern, as you well know, is

1 that the cement industry feels that it's been targeted as
2 a bad guy. The budget control language, the budget
3 trailer bill language, they're not as concerned about the
4 financial implications of that, although that's a
5 consideration. They just didn't like to be singled out as
6 the bad guy in the whole diversion of tire issue.

7 They've been singled out -- they're concerned a
8 couple years down the line a different Legislature, a
9 different Board may use that against them and make it much
10 more difficult to use tires as a fuel?

11 CHAIRPERSON MEDINA: Mr. Paparian.

12 COMMITTEE MEMBER PAPARIAN: Terry, can you
13 identify anybody from any industry, public, anywhere, who
14 has indicated any problem at all with the peer review
15 process that was set up and described earlier today?

16 MR. LEVEILLE: No.

17 COMMITTEE MEMBER PAPARIAN: Okay. That's my --

18 MR. LEVEILLE: The peer review process is fully
19 supported.

20 COMMITTEE MEMBER PAPARIAN: The process has
21 worked for industry. And why we're debating it is
22 baffling to me. It's worked for the regulated industry.
23 It's an unbiased process. That's what was anticipated I
24 think in this agenda item. And I think by tinkering with
25 it, we may introduce -- either intended or unintended, we

1 may introduce bias into this process that shouldn't be
2 there. The Cal EPA process with the University Office of
3 the President is an unbiased process that has worked for
4 the regulated industry in California. And if anybody can
5 come up with anybody in the industry who disagrees with
6 that, I'd like to talk to them because I don't think they
7 exist.

8 MR. LEVEILLE: Speaking for the cement industry,
9 who will probably have a representative a week -- two
10 weeks from today at the Board meeting, I think they would
11 feel comfortable with the involvement of the Air Quality
12 Management District, the Air Resources Board involved with
13 that process, as Jim was talking about. I will have to
14 talk with Bob Houston on that. And, you know, if there's
15 a collaborative effort by Cal EPA agencies involved with
16 this peer review, I think there would be a level of
17 comfort. That's all I'm saying.

18 CHAIRPERSON MEDINA: Okay. Thank you, Mr.
19 Leveille, for your testimony.

20 And if there's no other business to conduct --
21 Mr. Lee.

22 DEPUTY DIRECTOR LEE: Oh, just a clarification,
23 Mr. Medina. Are we going to be bringing this item to the
24 full Board? Is there going to be any additional
25 discussion?

1 CHAIRPERSON MEDINA: Is there any action that
2 needs to be taken in regard to this matter?

3 DEPUTY DIRECTOR LEE: No, there is not.

4 CHAIRPERSON MEDINA: Is there anything
5 concrete -- if not, you can include it in your remarks
6 before the Board. And if any of the Board Members wish to
7 ask any questions or engage in further discussion at that
8 time, they can do so.

9 DEPUTY DIRECTOR LEE: I understand.

10 CHAIRPERSON MEDINA: Thank you.

11 This meeting is adjourned.

12 (Thereupon the California Integrated
13 Waste Management Board, Special Waste
14 Committee meeting adjourned at 11:00 a.m.)

15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Special Waste Committee meeting was reported in shorthand
8 by me, James F. Peters, a Certified Shorthand Reporter of
9 the State of California, and thereafter transcribed into
10 typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 10th day of November, 2003.

16

17

18

19

20

21

22

23 JAMES F. PETERS, CSR, RPR

24 Certified Shorthand Reporter

25 License No. 10063